



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/603,495

06/25/2003

Thomas E. Creamer

BOC9-2002-0070 (367)

3535

40987

7590

08/09/2007

AKERMAN SENTERFITT

P. O. BOX 3188

WEST PALM BEACH, FL 33402-3188

EXAMINER

NEWAY, SAMUEL G

ART UNIT

PAPER NUMBER

2626

MAIL DATE

DELIVERY MODE

08/09/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/603,495

Applicant(s)

CREAMER ET AL.

Examiner

Samuel G. Neway

Art Unit

2626

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 July 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This is in response to the Amendment filed on 20 June 2007.

Response to Amendment

2. The objection to claim 11 is withdrawn.

Response to Arguments

3. Applicant's arguments filed on 20 June 2007 have been fully considered but they are not persuasive.

Applicant argues that replacing a text message into an alternative text message having the same meaning but a shorter length allows reduced-size text transmission (page 11). However, Applicant's Specification fails to mention any reason as to why the alternative text should have a shorter length than the text message. As a matter of fact, the Specification is completely silent when it comes to the length of the alternative text message as compared to the original text. The only reason the lengths of the two given examples, "What's going on?" and "It's time to go", are longer than the lengths of their respective translations "Wassup" and "Let's bolt" is because that is the way they are defined in the profiles. It is within the scope of the Specification to have had 'Hi' translated to "Wassup" and saved in one of the profiles. The Specification gives no teaching whatsoever against this scenario.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1 – 7, and 9 – 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jong (USPN 6,173,250) in view of Marko et al. (USPGPub 2004/0049389).

Claim 1:

Jong discloses a method of voice-to-text reduction for real-time messaging (Abstract), comprising the steps of:

receiving a speech input at a calling party ("receiving audio input signals from the user", col. 3, lines 13-20);

transcribing the speech input to a text message ("converting them into textual representations", col. 3, lines 13-20);

converting the text message to an alternative text message based upon at least one of a calling party profile and a called party profile ("translates the text data into text data of the selected language ...", col. 9, lines 6-11, FIG. 9 and related text. Note that the specific selected language is a called party's profile), wherein at least one of said profiles specifies replacing at least a portion of said text message with an alternative

Art Unit: 2626

text portion having a same meaning as said replaced portion of said text message (the translation has the same meaning as the text data).

Jong does not explicitly disclose the alternative text portion (translated text) having a shorter length than the text message. Official Notice is taken that in translations the length of text of the original text usually varies (either shorter or longer) from the length of the translated text. A shorter translation will read on Applicant's limitation of the alternative text portion being shorter than the text message.

Furthermore, Jong does not explicitly disclose compressing the translated text message prior to transmission.

Marko discloses a similar method of transmitting text messages where the text messages are compressed prior to transmission ("compress the text prior to transmission ...", [0021]).

It would have been obvious to one with ordinary skill in the art at the time of the invention to compress Jong's text messages prior to transmission in order to "reduce the required channel bit rate" (Marko, [0021]).

Jong further discloses transmitting the text stream to a called party ("textual representations are the sent to the subscriber terminal", col. 3, lines 13-20);

receiving a text message from the called party as a text stream ("communication is achieved by the sending of continuous streams of text data", col. 3, lines 20-24);

and rendering the text stream at the called party and the calling party substantially in real-time ("realtime communication is achieved", col. 3, lines 20-24).

Claim 2:

Jong and Marko disclose the method of claim 1, Jong further discloses, wherein the method further comprises the step of sending a voice signature of the calling party to the called party ("a speech pattern of the party actually sending the text data may be stored ... in order to obtain a synthesized speech output", col. 6, lines 28-31).

Claim 3:

Jong and Marko disclose the method of claim 1, Jong further discloses, wherein the method further comprises the step of maintaining a voice signature repository of the calling party for access by a called party of a voice signature of the calling party when receiving a call from the calling party ("a speech pattern of the party actually sending the text data may be stored in the speech pattern database ... in order to obtain a synthesized speech output", col. 6, lines 28-31).

Claim 4:

Jong and Marko disclose the method of claim 1, Jong further discloses, wherein the step of rendering comprises the step of converting the text message at the called party to a speech output by using text-to-speech conversion ("the text data ... may be forwarded to the text to speech conversion device... where the text data is converted", col. 5, lines 25-30).

Claim 5:

Jong and Marko disclose the method of claim 2, Jong further discloses, wherein the step of rendering comprises the step of converting the text message at the called party to a speech output by using text-to-speech conversion in conjunction with the voice signature of the calling party ("the text to speech converter 407 converts the text

data into speech output signals using synthesized speech pattern ", col. 6, lines 13-16, "a speech pattern of the party actually sending the text data may be stored ... in order to obtain a synthesized speech output", col. 6, lines 28-31).

Claim 6:

Jong and Marko disclose the method of claim 1, Jong further discloses, wherein the method further comprises the step of translating the text message to another language to provide a translated text message ("the language translator 900 performs language translation", col. 9, lines 14-19).

Claim 7:

Jong and Marko disclose the method of claim 6, Jong further discloses, wherein the step of transmitting comprises the step of transmitting the translated text message ("the speech recognition device 203 outputs text data in a selected language", col. 8, lines 61-64).

Claim 9:

Jong and Marko disclose the method of claim 2, Jong further discloses, wherein the step of rendering comprises the step of converting the text message at the called party to a speech output by using text-to-speech synthesis in conjunction with the voice signature of the calling party("the text to speech converter 407 converts the text data into speech output signals using synthesized speech pattern ", col. 6, lines 13-16, "a speech pattern of the party actually sending the text data may be stored ... in order to obtain a synthesized speech output", col. 6, lines 28-31).

Claim 10:

Jong and Marko disclose the method of claim 1, Jong further discloses, wherein the step of rendering comprises the step of displaying the text message in at least one location selected among the called party and the calling party ("the text data can be displayed", col. 5, lines 24-30).

Claim 11:

Jong disclose a system for voice-to-text reduction for real-time messaging (Abstract), comprising:

a microphone for receiving a calling party's speech input (FIG. 2, item 212, and related text);

a speech-to-text converter for converting the calling party's speech input to a text message (FIG. 2, item 203, and related text);

a voice portal for converting the text message to an alternative text message based upon at least one of a calling party profile and a called party profile ("translates the text data into text data of the selected language ...", col. 9, lines 6-11, FIG. 9 and related text. Note that the specific selected language is a called party's profile), wherein at least one of said profiles specifies replacing at least a portion of said text message with an alternative text portion having a same meaning as said replaced portion of said text message (the translation has the same meaning as the text data).

Jong does not explicitly disclose the alternative text portion (translated text) having a shorter length than the text message. Official Notice is taken that in translations the length of text of the original text usually varies (either shorter or longer)

Art Unit: 2626

from the length of the translated text. A shorter translation will read on Applicant's limitation of the alternative text portion being shorter than the text message.

Furthermore, Jong does not explicitly disclose compressing the translated text message prior to transmission.

Marko discloses a similar method of transmitting text messages where the text messages are compressed prior to transmission ("compress the text prior to transmission ...", [0021]).

It would have been obvious to one with ordinary skill in the art at the time of the invention to compress Jong's text messages prior to transmission in order to "reduce the required channel bit rate" (Marko, [0021]).

Jong further discloses a transmitter for transmitting the text message as a text stream to a called party (FIG. 2, item 205, and related text);

a receiver for receiving another text message from the called party (FIG. 2, item 205, and related text);

and a rendering device for rendering text messages substantially in real-time (FIG. 2, item 204, and related text).

Claim 12:

Jong and Marko disclose the system of claim 11, Jong further discloses, wherein the system further comprises a translator for translating the text message into another language (FIG. 9, item 900, and related text).

Claim 13:

Jong and Marko disclose the system of claim 11, Jong further discloses, wherein the system further comprises a text-to-speech synthesizer and the rendering device comprises a speaker for providing an audible output of the received text message from the called party (FIG. 2, items 206, 211, and related text).

Claim 14:

Jong and Marko disclose the system of claim 13, Jong further discloses, wherein the text-to-speech synthesizer uses a voice signature of the called party in producing the audible output (FIG. 4, item 406, and related text, "a speech pattern of the party actually sending the text data may be stored ... in order to obtain a synthesized speech output", col. 6, lines 28-31).

Claim 15:

Jong and Marko disclose the system of claim 13, Jong further discloses, wherein the rendering device comprises a display for displaying at least one among the text message from the calling party and the text message from the called party (FIG. 2, item 204, and related text).

Claim 16:

Jong and Marko disclose the system of claim 11, Jong further discloses, wherein the text streams are received and transmitted over an instant messaging/chat system ("one type of communication generally used by the subscriber terminals 100 and 110 is chat", col. 4, lines 57-63).

Claim 17:

Jong and Marko disclose the system of claim 11, Jong further discloses, wherein the text streams are received and transmitted over a messaging system using data transmission protocols ("set up communications protocols ... to initiate the communications process", col. 4, lines 25-31).

Claim 18:

Jong and Marko disclose the system of claim 11, Jong further discloses, wherein the system further comprises a voice profile for converting text messages into alternate text messages as defined by a user such as the calling party or called party ("translates the text data into text data of the selected language", col. 9, lines 14-19).

Claim 19:

Claim 19 is similar in scope and content to claim 1 and; therefore claim 19 is rejected under the same rationale.

Claim 20:

Claim 20 is similar in scope and content to claim 5 and; therefore claim 20 is rejected under the same rationale.

6. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jong (USPN 6,173,250) in view of Marko et al. (USPGPub 2004/0049389) and in further view of Flanagan et al. (USPN 6,339,754).

Claim 8:

Jong and Marko disclose the method of claim 6, however, neither Jong nor Marko explicitly disclose, wherein the step of translating the text message occurs in a server on a network coupled between the calling party and the called party.

Flanagan discloses a speech translation system similar to Jong's where "translation services are provided by one or more dedicated servers ..." (col. 6, lines 46-50).

It would have been obvious to one with ordinary skill in the art at the time of the invention to use servers for the translation step in Jong's method in order to avoid every device used in Jong's system to be equipped with a translation system and use a common translation system on a network as is well known in the computing arts.

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Samuel G. Neway whose telephone number is 571-270-1058. The examiner can normally be reached on Monday - Friday 8:30AM - 5:30PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David R Hudspeth can be reached on 571-272-7843. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2626

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

SN

SN



DAVID HUDSPETH
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600